

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1263/2017 & C.M.5730/2017**

PARDEEP KUMAR AND ORS.

..... Petitioners

Through: Mr.N.S.Dalal and Ms.Toral Banerjee,
Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Jaswinder Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

25.04.2017

%

1. The petitioners assail the order dated 16.03.2016 passed by the Central Administrative Tribunal (Principal Bench), New Delhi in O.A.1953/2015. By the impugned order the tribunal has dismissed the petitioners' original application.

2. The respondent had issued an advertisement inviting applications for a number of civilian posts in the Military Engineering Service, which indicated the last date of receipt of the application as 03.01.2015. The petitioners applied in response to the said advertisement for the post of "Mate". In the advertisement the tentative date for holding the written examination was fixed on 14.02.2015. It appears that the cut-off date for receipt of the applications was thereafter extended on three occasions to 03.02.2015, 03.03.2015 and 03.04.2015.

3. The petitioners are aggrieved by such extension on the ground that, in response to the original advertisement itself, 4500 applications have been received. According to the petitioners, there was no justification for extending the last/cut-off date for inviting the applications for the said posts and, on account of such action, several others have also made their applications and the number of candidates swelled to about 80,000 candidates. The petitioners are aggrieved that they would now have to compete with a large number of candidates, and their chances of selection would, accordingly, be reduced. The Tribunal has not found merit in the submissions of the petitioners.

4. Mr.Dalal, learned counsel for the petitioners submits that the respondent had not provided any justification for extending the cut-off date on three occasions, as aforesaid. He submits that every action that the respondent undertakes should be supported by reasons.

5. The issue arises as to what is the vested right that the petitioners have in the present circumstances. The petitioners have only the right to compete in the selection process. That right of the petitioners is not being denied. The petitioners cannot have a grievance, in case the pool from which the candidates have to be selected is enlarged. It is not the petitioners' case that while extending the cut-off dates, the respondents have acted arbitrarily or in a discriminatory manner. The extension is applicable to all the prospective candidates. No rule prohibiting the extension of the last date has been cited by the petitioners. It is not in dispute that the respondent could have completely scrapped the process, and issued a fresh advertisement for carrying out recruitment to civilian posts in the MES. That being the

position, the petitioners cannot question the extension of the last/cut-off date by the respondents. It is not for the courts to intermeddle with the administrative process that the respondents have undertaken for carrying out the recruitment. We find no merit in the petition.

6. The petition, along with the pending application is, therefore, dismissed.

VIPIN SANGHI, J

DEEPA SHARMA, J

APRIL 25, 2017

rb